(41)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ

Writ Petition No. 3409 of 1997

PETITIONER : Mukhiram s/o Tulsiram by Caste Kawar resident of Village Kudumeela, Tahsil Gharghoda, Dist. Raigarh, Madhya Pradesh.

VERSUS

RESPONDENTS

1. State of Madhya Pradesh through the Secretary, Revenue Dept. Vallabh Bhawan, Bhopal.
2. The Collector, Raigarh, Dist. Raigarh, M.P.
3. The Sub Divisional Officer (Civil), Gharghoda, Dist. Raigarh, M.P.
4. Pratap Singh s/o Rajbhan Singh resident of Village Kudumbela Tahsil Gharghoda, Dist. Raigarh.
5. Santosh s/o Khedu Sahu resident of Village Kudumhela, Tahsil Gharghoda, Dist. Raigarh.

Present: Shri P. Diwaker, learned Sr. Advocate with Shri Adil Minhaj, learned counsel for the petitioner.
Shri Sanjay S. Agrawal, learned G.A. for the State.

ORAL ORDER
(Passed on 22nd June, 2006)

In this writ petition, the sanction accorded by the jurisdictional Collector to Sub Divisional Officer to review the orders under Section 51 of the Chhattisgarh Land Revenue Code, 1959 (for short 'the Code') has been assailed. Among other grounds, it was contended by Shri P. Diwakar, learned Sr. counsel appearing for the petitioner that the impugned order passed by the District Collector according sanction does not disclose the reasons on the basis of which he satisfied himself. I have

perused the impugned order. The District Collector has failed to disclose the reasons in support of his decision. The District Collector ought to have known that the statutory order made by him under Section 51 of the Code is liable to be reviewed by this Court under Article 226 of the Constitution and this Court would be handicapped in reviewing the order appropriately if he does not disclose the circumstances and reasons which weighed with him in the decision-making. If the donee of the statutory power is not required to disclose the reasons in support of his opinion or decision that may lead to donee of statutory power exercising the power unreasonably and arbitrarily. The disclosure of the reason is a must for more than one reason. Firstly, compulsory disclosure of the reason would avoid the exercise of statutory power arbitrarily and unreasonably. Secondly, even the person who suffers an order would know what weighed with the Statutory Authority to form an opinion which is adverse to his interest. In that view of the matter, I think that the ends of justice would be met by directing the District Collector, the 2nd respondent herein, to dispose the application of the Sub Divisional Officer seeking sanction to review the order under Section 51 of the Code *de novo.*

(2) In the result and for the foregoing reasons, I allow the writ petition, set aside the impugned sanction order and remand the proceedings to the District Collector, the 2nd respondent herein, with a direction to dispose of the proceedings in accordance with law and in the light of this order and by a reasoned order. In the facts and the circumstances of the case, the parties shall bear their respective costs.

Sd/-
Chief Justice

Subsh